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A

LETTER,

FROM AN EMINENT

LEGAL CHARACTER,

LATE OF

TROU-LA-PUTAIN, IN DAUPHINE,

AND NOW OF THE

CITY OF DUBLIN,

TO THE

WHIGS OF THE CAPITAL.

LONDON:

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M.DCC.XCI.

PREFACE.

ALTHOUGH the following ſheets are addreſſed to the Whigs of our ſiſter kingdom, it is preſumed that the re-publication of them in this metropolis will not be thought unſeaſonable. It is a performance which ſpeaks for itſelf. The ſolidity of the reaſoning, the fairneſs of the deduction, the irreſiſtible inference from theory to practice, and, above all,

the character and actions of the writer, muſt render this letter peculiarly intereſting to every true admirer of the French Revolution. It will require no recommendation to thoſe whom an unequivocal regard to the peace, the happineſs, and the eſtabliſhed conſtitution of their country, will unite in the celebration of that glorious event, at the Crown and Anchor Tavern, on the 14th of next July.

The author is of a family well known in moſt of the countries in Europe, and which has, indeed, hitherto been thought ſomewhat

what inimical to thoſe principles, the diffuſion of which is the object of the enſuing feſtivity. He himſelf was among the number of thoſe who enjoyed hereditary diſtinctions under the deſpotic government of France; but conſcious that he is a man, and affecting no other dignity, he looks down with diſdain on the vanity and injuſtice of all excluſive privileges. Thoſe which he once held, he has ſurrendered into the hands of the People at large, with an alacrity only to be equalled by that with which they have aſſumed the exerciſe of his functions. Among the ſacrifices which

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Patriotiſm has made to Liberty, there is none which (it is univerſally confeſſed) has more contributed to attain and ſecure the bleſſings of the French Revolution. For that reaſon, juſtice to the merits of this great man, as well as elegant writer, demands that his health ſhould be drank with three times three, at the next and at every future anniverſary of the 14th of July. The Editor flatters himſelf that he ſhall at leaſt be entitled to the thanks of the meeting "*for his* "*obliging communication.*"

June 14, 1791.

A LETTER

A

LETTER, &c.

Gentlemen, Stateſmen, and Philoſophers,

WHEN I ſolicit the honour of being admitted into your ſociety, it is fit that I ſhould lay before you my juſt pretenſions. Before the publication of Mr. Paine's Eſſay on the Rights of Man, I flatter myſelf that I underſtood and acted upon the principles which it contains. Whether it was from reflection, or from inſtinct, I may aſſert that I was a practical philo-

philoſopher. Like him,* I traced the rights of man to the creation of man. Like him, I argued, † "That every gene-
"ration is equal in rights to the genera-
"tion which preceded it, by the ſame rule,
"that every individual is born equal in
"rights with his cotemporary." Like him, I was conſcious ‡ "that every age and
"generation muſt be as free to act for it-
"ſelf *in all caſes*, as the ages and gene-
"rations which preceded it." And that no government, aſſembly, or people, of any former period, had a right to bind or controul the people of the preſent day *in any ſhape whatever*; of which great truths I was as fully perſuaded as if I had read the ninth page of Mr. Paine's pamphlet, and all the reſt of that excellent work, which you are ſo wiſely circulating for the good of mankind. Occupied with

* Page 45. † Page 46. ‡ Page 9.

theſe-

theſe reflections, it was my fortune to meet a nobleman, as he was then called, riding an horſe richly capariſoned—at the ſight of me and my rags, the horſe ſtarted, threw him, and left him ſenſeleſs on the ground. I am by nature, gentlemen, inclined to compaſſion, even to a weakneſs; but as I am writing to friends and brother philoſophers, I am bound to confeſs my faults with candour.—Accordingly, the firſt idea which occurred to me, was to raiſe him from the ground. But a crowd of reflections ruſhed upon me with that rapidity and quick logic, which is uſual to enlightened minds, accuſtomed to philoſophical diſquiſitions on the Rights of Man. What right, ſaid I to myſelf, has this man to this horſe, or to that purſe which I perceive to be in his pocket? Who gave him thoſe rights? The laws. What are thoſe laws? Inſtitutions made by either our anceſtors, or by perſons

who uſurped a right to govern thoſe anceſtors? No matter which, neither of them had a right to govern *Jaques Bourreau* in any caſe whatever. How did he get the money in that purſe? Why, by thoſe tyrannical laws which gave him that caſtle and the rents of all the lands about it. By thoſe rents he purchaſed that horſe, with thoſe rents he filled that purſe; had it not been for thoſe curſed inſtitutions made by the dead, and vainly affecting to bind the living, I ſhould have juſt as much right as he to theſe extenſive domains.—Earth, ſaid I, (in one of thoſe apoſtrophes with which ſentiment embelliſhes philoſophy) earth, thou common right of man, how comes it that Jaques Bourreau, poſſeſſed as he is of every right which belonged to Adam, cannot, like him, poſſeſs himſelf of a portion of thee? Is it becauſe men, who are now no more, have parcelled it out among themſelves,

and

and directed in what manner it ſhall deſcend to their poſterities? What right had they to make theſe perpetual diſtributions, to guard them by laws which no man is bound to obey, unleſs he pleaſes, and by puniſhments which no man is bound to ſubmit to, unleſs he has conſented to them? Did *I* ever conſent to thoſe rules, or did the framers of thoſe laws ever conſult me? And thou, accomplice of their uſurpation, thou, partaker of that ſpoil which they have unjuſtly diſtributed, what claim haſt thou to any aſſiſtance from me? No; rather let juſtice and philoſophy ſteel my heart againſt the too tender workings of my nature. Let me, in the name of human nature itſelf, reclaim a part of what you have uſurped, and do a juſtice to mankind, in doing a benefit to myſelf! The dying man faintly opened his eyes, he could not ſpeak, and ſeemed nearly ſuffo-

cated ; but he held out his hand, as if imploring my aſſiſtance. I had a lancet about me—what a trial for a philoſopher endued with my ſenſibility !—Shall I confeſs that I was weak enough to heſitate—my good nature prompted me to bleed him, but my philoſophy and my knowledge of the Rights of Man convinced me, that I would be perfectly juſtified in picking his pocket.—Whilſt I heſitated, he expired.

Theſe then, ſaid I, looking at the property he had about him, theſe are undoubtedly mine by the Rights of Man. No other can poſſibly have a claim to them, except by the force of thoſe laws of ſucceſſion which I never conſented to, and which thoſe who made them had no right to make. Occupancy gives an undoubted right where there is no other, and there can be no other in a caſe like this.

this. Saying this, I ſtripped the dead man, mounted his horſe, and left my own cloaths to be poſſeſſed by the next occupant. Scarcely had I mounted my horſe, when a ſervant gallopped up, followed by a beautiful lady on horſeback. He accoſted me rudely, charged me with the murder of his maſter, and ordered me, in an imperious tone, to ſurrender his horſe. Heavens! what an outrage upon one who would have died a thouſand deaths, rather than deprive another of his life, except in a caſe of ſelf defence. The ruffian was not content with words—he clapped his hand to a piſtol which was before him. Self defence, the firſt law of nature, obliged me to protect my life, and my undoubted property. I alſo had piſtols, I drew one of them and ſhot him dead. The lady ſcreamed; ſhe turned her horſe, and fled with precipitation, crying aloud for aſſiſtance. I knew that a vil-

a village was at no great diſtance, the property, that is, the uſurped property of the gentleman who had fallen: I ſhould be obliged to paſs through it, or elſe to return in my preſent equipage to Trou-la-Putain where my perſon was well known, and in either caſe, it was certain that I ſhould be apprehended, and condemned to death by laws to which I had not conſented. It was no time for heſitation, I purſued the lady, and was compelled to ſtop her cries by the application of the but-end of my piſtol to her head. Excluſive of that preſence of mind which ſeldom deſerts thoſe who confine themſelves within the rules of juſtice, and which diſſuaded me from firing my ſecond piſtol in the vicinity of the village; I can aſſure you, gentlemen, that the ſentiments of honour and humanity prevented me from doing any injury to the lady, beyond what was neceſſary to my

own

own preſervation. She fell, indeed, and lay on the ground, but I flatter myſelf ſhe received no material injury. Want of politeneſs to the ladies was never attributed to me; and I am happy to reflect, that in the execution of an office, which the National Aſſembly has reſtored to that reſpectability which naturally belongs to it, I have given ſignal inſtances of my reſpect to the fair ſex. The friends of a lady lately executed at Troula-Putain for the murder of her huſband, can bear teſtimony to the delicacy with which I conducted myſelf towards her, in the laſt and moſt critical moment of her life. Suffice it to ſay, that my behaviour reflected no diſgrace on my anceſtors, whom I ſucceeded in that uſeful office.—I do not ſpeak of them through vanity; I know as well as Mr. Paine, that birth is nothing.—Let me reſume the thread of my ſtory. Safe from purſuit, I

pulled

pulled up my horſe to give him breath, as I thought it adviſeable to paſs through the village with the utmoſt rapidity—at that pauſe, what reflections poured upon my mind! Tenderly affected at the ſufferings of the lady, I turned my thoughts to that action, which gave me the trueſt ſatisfaction. I had vindicated the Rights of Man; I had reclaimed property from uſurpation, and to the power of one individual; I had redreſſed human nature, by oppoſing laws impoſed by men who had no right to make them. I turned my face to the ſpot where the nobleman had fallen, and exclaimed, Lie there thou, *as a leſſon to the oppreſſor, and an example to the oppreſſed.*

I purſued my route through the village. I paſſed it before my diſguiſe was diſcovered, without meeting any accident, except that I happened to ride over a child which I could not help. The road led towards

Paris.

Paris. After having travelled a few leagues as faſt as my horſe could carry me, I overtook two perſons on the road. But as this adventure led to conſequences intereſting to the Rights of Man, you will permit me to dwell a little on the particulars. My firſt advances to their acquaintance were received rather coldly, but as I have an happy manner of announcing myſelf, we ſoon grew more familiar. We ſtopped together at a little inn, and a bottle or two of tolerable wine improved our intimacy. At length, the younger of my companions addreſſed me as follows: By your dreſs, Sir, we ſuſpected you might be an *Ariſtocrate*, but your manner, and the liberality of your ſentiments, has undeceived us. You ſee before you two members of the National Aſſembly; we are going up to attend our duty. I have the honour to be an attorney from a conſiderable village in Dauphiné, but pardon

me, I ought firſt to announce my friend. This gentleman, Sir, is Curé of another village in my neighbourhood, a perſon of the firſt talents, and a determined enemy of his biſhop, which, let me aſſure you, was no ſmall recommendation of him to his conſtituents. The biſhop, Sir, I need not tell you, is a great ſcoundrel, who receives ſixty thouſand livres a year, and hoped to gain the favour of his flock, by annually diſperſing about a third of them amongſt the poor, and by other acts of hypocriſy. But they judged better; they knew very well that the whole revenue was uſurped, and they wiſely rejected the compromiſe. But pray, Sir, let me aſk you a queſtion, that we may know each other better. What is your opinion of the Rights of Man? The queſtion, anſwered I, is not at all embarraſſing; he has every right which was poſſeſſed by Adam; that is, a right to do whatever he

pleaſes,

pleaſes, except what is forbidden by laws, to which he himſelf has voluntarily bound himſelf. I am glad to hear you ſpeak ſo, anſwered the Curé, it was to eſtabliſh ſuch tenets that our National Aſſembly was formed; we are founded on the Rights of Man, and I doubt not that you will ſupport our decrees with your life and fortune. Pardon me, Sir, anſwered I, that is as I ſhall think proper. He ſtared a little, but I proceeded. Pray, Sir, ſaid I, what right has your Aſſembly to make any rule for my conduct? Becauſe we repreſent you, replied the attorney. And pray, Sir, ſaid I, who told you that I had ever ſubſcribed to a government by repreſentation? Let me remind you of our hiſtory, and trace your rights to their ſource. One Humbert Dauphin, who governed our province without being appointed by the people, took it into his head to annex Dauphiné to the crown of

France, which he had no title to do; one Lewis XVI. who has no more right than Humbert, takes it into his head to aſſemble 1200 people, whom he calls the States; one Neckar adviſes him to call 600 of theſe out of the Tiers Etat, and the reſt out of the nobility and clergy—and to do what? To make laws for 24 millions of people, many of whom never voted, or were allowed to vote, ſome of whom voted againſt the repreſentatives of their diſtrict. Theſe 1200, or a part of them, chooſe to alter the nature of their Aſſembly, and becauſe they have done ſo, they fancy they have a right to make decrees binding Dauphiné, Provence, Languedoc, Burg— I was proceeding, when the Curate interrupted me. You had better, ſaid he, talk a different language. It was not to have the rights of a free aſſembly to govern a free country queſtioned, that we deſtroyed the Baſtile; it was not to be talked out of

our

our rights and privileges that we hanged Foulon and Berthier. The Chateau de Vincennes remains; the people are ready to vindicate their rights, and ſupport our decrees by that ſummary proceſs which is dictated by natural juſtice. The lamp-poſt is ready for the enemies of freedom—tremble.—He was growing warm, when the attorney ſtopped him. Suffer, ſaid he, the gentleman to go on. I will anſwer him afterwards, it will do us no harm to practiſe a little debate, we ſhall anſwer the Ariſtocrates the better for it. I profited by his permiſſion, and proceeded as follows:

You will grant me, ſaid I, that as to the conſtitution of our anceſtors, whether king, or king and parliaments, or king and three eſtates, we are not bound to obey it. Yes, certainly ſaid the attorney, for as our National Aſſembly expreſſes it—

Men

Men are born, and always continue free and equal in reſpect of their rights, and none of the perſons you ſpeak of had any right to expect obedience; for, as our Aſſembly ſays, *the nation is eſſentially the ſource of all ſovereignty, nor can any individual, or any body of men, be entitled to any authority which is not expreſsly derived from it.* It is well to have thoſe maxims at one's fingers ends; they are of great uſe in argument, as well as contribute to general order and good government.

I aſk no more, Sir, replied I to the attorney, for it follows from what you have quoted, that your Aſſembly has no more right to make a decree than your king was once poſſeſſed of. They have *no* authority expreſsly derived from the nation. In how many particulars are they deſtitute of ſuch a right? Did the nation elect them? No, it was but a part of the nation,

tion. Did the nation delegate to that part the right of chooſing repreſentatives for the whole? No, you know very well they did not. Did even that part elect them to be a National Aſſembly, inveſted with the powers they have aſſumed? No, they were only choſen to conſtitute a body, called the *Etats*, under ſome old conſtitution not very well defined, and aſſembled by the authority of a king. They, themſelves, erected themſelves into a National Aſſembly, poſſeſſed of great powers. Under this pretence, they affect to bind ſome men who choſe them for a different Aſſembly, and other men who never choſe them at all. I leave it to the Ariſtocrates to prove that they are traitors againſt their king and this conſtitution. As for me, you know I am too much a philoſopher to conſider any thing but the *Rights of Men*; and as to the Rights of Men, they are uſurpers, and have no more right to

bind

bind France, than the American Congreſs has to bind America.

The prieſt whiſpered the attorney, and I heard them mutter ſomething about the Chateau de Vincennes. Let us hear him, ſaid the attorney, more aloud.

You will admit, ſaid he, that if there were ſome defects in the modes of chooſing the preſent Aſſembly, thoſe defects are all to be rectified at the new election; the nation being divided into departments, and a more equal repreſentation being eſtabliſhed. Will you anſwer that, Sir, or will you admit it?

Upon my word, ſaid I, I ſhall admit no ſuch thing. The new Aſſembly will be juſt as great an uſurpation on *the Rights of Man* as the preſent one. What right has your preſent Aſſembly to dictate how the

the nation ſhall be repreſented; or how can they force the nation to adopt a government by repreſentation? Perhaps the nation does not chooſe to have any repreſentation; perhaps they may like to vote like the Americans, individually, and not by repreſentatives. Again; how dare they, on the principles which they profeſs, to exclude perſons from voting who do not pay a certain proportion of taxes! Has not a man rights, though he pays no taxes? Again, Sir, ſuppoſe the majority approve your new conſtitution, what right does that give them to make laws for the minority who diſapprove? Depend upon it, Sir, that a government grounded on choice has a very bad title over thoſe who do not chooſe it. Laſtly, Sir, you agree that all men are by nature free and equal. What then is to bind any man except his own choice, and not the choice of others, who have no right over him? We are

all as free as Adam. Had there been three Adams created at once, would two of them have had a right to bind the third? Would not the third have had as good a right to cut their throats for making the attempt, aye, and a better one, than the two would have had to puniſh him for reſiſting them?

Sir, ſaid the prieſt, there is nothing ſo glorious as to cut the throats of uſurpers; all hiſtory glories in ſuch examples; but dare you call us uſurpers? Dare you ſay that you have a right to oppoſe the aſſertors of liberty? I know, Sir, that our decrees are not without energy; I know that we too have axes, priſons, and hangmen.

I was a little nettled at the laſt word. Nothing is more illiberal than to throw a gentleman's profeſſion in his teeth; and I own

own I took it as a perſonal alluſion. But a little reflection told me, that he could not know me; though a knight of the ſcaffold, I was not then dreſſed in the habit of my order, or in the dreſs which I uſually wore on collar-days.

Sir, anſwered I, with that mildneſs which accompanies ſound reaſoning, do not imagine that I have the leaſt deſire to cut your throat; on the contrary, I approve very much of thoſe good people who tore out the hearts of your ſuſpected opponents, and of the ladies who ſtuck their bodkins into them after they were torn out, and cut them into little pieces with their ſciſſars. I was only arguing, in general, on the *Rights of Man.* Such diſquiſition ſhould be encouraged in every country, becauſe it is a ſubject which every one is capable of underſtanding, and the diſcuſſion always leads to peace

and good order. I was juſt obſerving, Sir, that as to an abſolute right to make decrees binding the nation, your Aſſembly is no more poſſeſſed of it than the American Congreſs has a right to bind America.

What, ſaid he, do you then deny the legitimate power of that Aſſembly, which was choſen by the people in the manner they themſelves thought proper? *They* were not called together by a king. The act of their meeting, the manner of their chooſing, was all the deed and will of the people. What objection then can you have to *their* title, however you may cavil at ours?

A very ſtrong one, Sir, ſaid I, but not ſo general a one as to your Aſſembly. If they were choſen as you deſcribe, they may have a right to bind the very men who

who deputed them. But they have none to form a permanent government, or to make a treaty, binding the faith of that country: for you muſt recollect, that every man has the ſame rights that were poſſeſſed by Adam, of courſe the American youth who grows up to manhood has a right to renounce their authority; he has a right to ſay, my father who deputed thoſe who made ſuch a law, or ſuch a treaty, may and ought to obſerve them; but *I* deputed no one, and I am not bound by either. The general will is nothing to me, I will go by my own will, which I never ſurrendered, for ſuch are the Rights of Man; and if they attempt to bind me, I have a right to oppoſe their oppreſſion at the expence of their blood. Grant me but the premiſes laid down by thoſe philoſophers who diſcuſs the Rights of Man, and the concluſion is irreſiſtible. It is nonſenſe to tell me that *the nation* has

has a right to change its form of government. A man, free as Adam, is no more bound by the ſenſe of the nation, than by the will of its preſent governors. The perſons who inveſted the power in their preſent repreſentatives, may have, indeed, an occaſion for ſome formalities before they caſhier them. It muſt be done by the voice of the majority, ſo far as relates to them, becauſe they agreed to ſubmit to the voice of the majority. But as to perſons unborn, or not adult when the conſtitution was formed, they are bound by no voice but their own. Each man is an Adam in independence, and is no more bound by the majority, or by the *whole* of the *nation*, than he would be bound by a congreſs, or by a parliament, or by a king.

The prieſt ſeemed loſt in thought, the attorney ſeemed to reliſh my arguments.

I ſee,

I ſee, ſaid he, to what conſequences you lead me, one generation cannot bind another. * "Thoſe who have quitted the "world, and thoſe who are not arrived at "it, are as remote as mortal imagination "can conceive. What poſſible obliga-"tion then can exiſt between them, what "rule or principle can be laid down, that "two non-entities, the one out of exiſ-"tence, and the other not in, and who "never can meet in this world, that the "one ſhould controul the other to the "end of time," or let me add, with exactly equal truth, for any time whatever? If the principle of binding poſterity could laſt *two* generations, it could as well laſt three, or four, or forty. According to you, Sir, man can only bind himſelf. I own there is ſome convenience in the doctrine. It cuts up by the roots all na-

* Page 11.

tional

tional faith; for no delegated Aſſembly can pledge any but the immediate perſons who deputed them. There is certainly an end of all thoſe idle things called *treaties*. For the ſame reaſon, there can be no ſuch thing as a duty to pay *a national debt*. For the ſame reaſon, there can be no ſuch thing as inheritance. And laſtly, for the ſame reaſon, there can be no ſuch thing, properly ſpeaking, as *a nation*. Every new Adam, who comes to age, may, indeed, ſubſcribe to the rules of the ſociety, and become a part of them, provided there be ſome method aſcertained by which he may do ſo, which little ceremony, I find, is omitted in all countries. But if he does not, he is bound to no civil duty or forbearance. The whole train of ideas which attach men to their country, and which give riſe to that ſuppoſed virtue called patriotiſm, are at once annihilated. He may, indeed, love thoſe with whom

he

he forms this voluntary aſſociation, as banditti may love each other. But there can be no ſuch thing as love of one's country. In ſhort, no people ever was or ever can be ſo conſtituted as to claim allegiance from the inhabitants of the country, or to derive their origin or connection from the Rights of Man, as you have defined them.

Sir, ſaid I, you reaſon very juſtly, but you miſtake one fact. There was *one* ſociety that was united according to the Rights of Man, and that ought to be, and undoubtedly will be, the model for the reſt of the world: I mean, Sir, the ſociety called the *Buccaneers of America.* Amongſt them the aſſociation was voluntary, it was neither derived from anceſtors, nor tranſmitted to poſterity. There may have been other ſocieties formed according to the Rights of Man, and indeed I

tional faith; for no delegated Aſſembly can pledge any but the immediate perſons who deputed them. There is certainly an end of all thoſe idle things called *treaties*. For the ſame reaſon, there can be no ſuch thing as a duty to pay *a national debt*. For the ſame reaſon, there can be no ſuch thing as inheritance. And laſtly, for the ſame reaſon, there can be no ſuch thing, properly ſpeaking, as *a nation*. Every new Adam, who comes to age, may, indeed, ſubſcribe to the rules of the ſociety, and become a part of them, provided there be ſome method aſcertained by which he may do ſo, which little ceremony, I find, is omitted in all countries. But if he does not, he is bound to no civil duty or forbearance. The whole train of ideas which attach men to their country, and which give riſe to that ſuppoſed virtue called patriotiſm, are at once annihilated. He may, indeed, love thoſe with whom he

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can hardly ſuppoſe, that what is moſt agreeable to nature and reaſon, ſhould have occurred in one inſtance only. But to confeſs the truth, Sir, I am not very deeply read in hiſtory, nor do I wiſh to be ſo. Rollin, the only hiſtorian whom I ever dipped into, diſguſted me with that ſpecies of reading; for what man of a philoſophical turn can bear to read the praiſes of a Leonidas, who expoſed himſelf and his followers to certain death, rather than violate the inſtitutions of one Lycurgus, which his anceſtors had adopted long before he was born, and which enjoined him to die rather than fly from the enemies of his country? Had I had been at Thermopylæ, I ſhould have reflected that the dead have no right to bind the living; that my countrymen had never given me a choice whether I ſhould obey their laws or not, and that of courſe, I had a right to chuſe what ſociety I ſhould belong to.

Perhaps,

Perhaps, indeed, the point of honour, of which I own myſelf a little tenacious, might have prevented my joining the Perſians, (who ſeemed the more eligible party) as I had accepted the command of Spartans, but under ordinary circumſtances, it is very allowable to quit the ſide of one's country, whenever it is in diſtreſs. Who can endure the praiſes of a Socrates, who choſe to die rather than withdraw himſelf from the laws of a country which had unjuſtly condemned him? Who can bear to hear certain mad-caps, called Engliſhmen, who ſometimes come here for their education, talking of the conſtitution of their country, and ſaying that it is their birth-right? What time and labour do they throw away in learning what they call the *rights* of kings, and parliament, and people! I have heard the tutor of one of them declaim for half an hour together on the ſubject, and I was aſtoniſhed, that

a man who ſeemed no fool in other reſpects, ſhould waſte his breath on ſo idle a ſubject. A few ſhort and ſimple doctrines from the ſchool of true philoſophy would have made him know, that Engliſhmen have *no* birth-right in any particular conſtitution. Every generation is perfectly free to chooſe its own conſtitution. *Bound* to nothing but to the Rights of Man, he can *claim* nothing but the Rights of Man, of courſe, he has no inheritance in one form of government more than in another. I heard that ſome perſon ſpoke with great pleaſure of a conſtitutional queſtion, as he called it, which had lately been carried, and a conſtitutional right which had been aſcertained to the people after a long ſtruggle. It would have ſaved that nation a vaſt deal of trouble, if they had but reflected that there can be no ſuch thing as a *conſtitutional* right belonging to any people whatever.

All

All our rights are derived from nature.—What does it ſignify, whether a certain powe r or privilege be allotted or denied to a king, a parliament, a court of juſtice, a jury, a corporation, or a magiſtrate, when we have a right to deſtroy the very name of king, parliament, or any other inſtitution, and have nothing to conſult upon the ſubject, but our own will and pleaſure, whether we will have the conſtitution of our anceſtors, or, indeed, whether we will have any conſtitution, law, or civil connection whatever?

I was proceeding, when the prieſt, whom I believed to have liſtened to me with a delighted attention, burſt out at once into a violent exclamation—Oh! wretch, cried he, oh! enemy to ſociety, and to human nature! Is it by defaming all that is venerable in antiquity, that you would exalt human nature? Is it by placing the

patriot

patriot beneath the freebooter? Is it by eradicating from the human breaſt all reverence for the inſtitutions of your anceſtors? Is it by diſſolving the ties which bind man to his country, and nations to each other, that you would promote the happineſs of the human race? But why do I expoſtulate with you! Such men as you are not to be reclaimed by reaſon, they are to be coerced by puniſhments. Let me thank thee, however, you have opened my eyes, I ſee the tendency of your doctrines; perhaps I might have imbibed ſome of your principles, had they been uttered by one more artful and more guarded. Come, Sir, ſaid he, to the attorney, ſhall we quit this worthy gentleman and purſue our journey? Saying this, he clapped ſpurs to his horſe without waiting for his companion.

Be not ſupriſed, gentlemen, that a man of my high ſpirit did not immediately purſue him, and demand ſatisfaction for this inſult. The perſons of members of the National Aſſembly are protected by a decree which makes them ſacred. It might have produced more diſagreeable conſequences than the preſent expoſure of my life, which I ſhould not have valued. Beſides, though I think revenge to be one of the Rights of men, and that honour as well as life is to be protected; yet I perfectly agree with our excellent philoſopher Rouſſeau, that it is a groſs abſurdity for the inſulted to expoſe his life on equal terms with the aggreſſor. The notion took its riſe, as I am informed, from thoſe abſurd ideas of *chivalry*, which Mr. Paine ſo juſtly reprobates. And I doubt not, that among the improvements of the preſent age, the propriety of a ſafe and private vengeance will be recognized by all civilized

civilized nations. In what manner the perſon in queſtion eſcaped that vengeance, ſhall be-told hereafter—it is a pity that he did—for he was no other than the Abbé ——, and he has ſince proved himſelf one of the moſt determined *Ariſtocrates* in the National Aſſembly.

The attorney did not follow him. Let me abridge the firſt part of our converſation. After a little farther ſounding of each other, he was pleaſed to honour me with his entire confidence, and even to make me partaker of a little project which he had conceived. Sir, ſaid he, you ſeem to be a man after my own heart, and I will ſpeak freely to you. Though a member of the National Aſſembly, I know perfectly well the unſound foundation on which it ſtands, and that the power which it poſſeſſes, is neither founded on the Rights of Man, nor on the

principles

principles which are profeſſed in our declaration of Rights. I had the honour to hold the pen which wrote that celebrated performance: I was neither the author, nor the mover; but you know that a ſecretary can eaſily contrive to get in a little of his own in a compoſition ſo frequently altered. It is fit, that I tell you my motives, and let you a little behind the curtain. I ſincerely hope that our preſent form of government may not continue, and I think that we have ſown the ſeeds of its diſſolution; for to ſay the truth, though it may be good ſort of government enough for ſtockjobbers, farmers who diſlike paying rent, common ſoldiers, debtors, curates, gunſmiths, ſurgeons, and financiers, it is a very bad one for attorneys, kings, officers, dancing-maſters, men of eſtates, pimps, jewellers, milliners, hotel-keepers, biſhops, bakers, merchants, taylors, perfumers, admirals, coachmen, bankers,

friars, privy counſellors, lawyers, coach-makers, valet-de-chambres, private tutors, cooks, noblemen, and many other perſons of different deſcriptions; and as to philoſophers, whoſe buſineſs is to make conſtitutions, it is better for them to change the form of government as often as poſſible. By frequent experiments they may, at laſt, hit upon one which will pleaſe every body, and in the mean time, their profeſſion will thrive amazingly. For theſe reaſons we have agreed, that no member of the preſent Aſſembly ſhall be choſen into the next, of courſe, all experience is excluded from the management of public affairs, which is ſo much the better, as we have principally confined ourſelves to the duty of aboliſhing every ancient inſtitution, and leave to them the taſk of eſtabliſhing ſome new order of government in their place; of courſe, there is every reaſon to hope that they will give general diſcon-

diſcontent; and as we have laid it down as a principle, that the right of modelling the government reſides in the nation at large, we have of courſe retained to ourſelves, who underſtand the management of the people, all real power and conſequence. In this particular, the ſchool of the Rights of Man is infinitely more liberal than an Engliſh philoſopher called Locke, or any of the writers of that country, except thoſe of a very late date. For they aſſert only, that on a diſſolution of their government, or on a forfeiture or dereliction of it by their governors, the right of forming a new one reverts to the nation; they even go ſo far as to ſay, that in ſuch a caſe the ſocial contract of the nation would remain, and that the few, and even their poſterity, would be bound by the new government adopted by the many. All this is ſteadily denied in the ſchool of the Rights of Man. But you will obſerve

the addreſs with which we conduct ſo delicate a buſineſs. We talk to the public of the right to new-model the government being veſted in the nation at large, and we ground this right on the impreſcriptible freedom of man, and on the inability of the dead to bind the living; but we are careful never to draw the conſequences which reſult from theſe doctrines, for if we did, every man of property would be alarmed, and every man who wiſhes for a ſettled government, would perceive that ſuch a government would be incompatible with the principles which we inculcated. But we ſhall know how to bring forward theſe conſequences whenever a convenient opportunity ſhall offer. We can prove, at any time, if our premiſes be once admitted, that a man is no more bound to the ſocial contract with his nation, than he is to the form of government which that nation may have choſen. His own ſpecific con-

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ſent is equally neceſſary in both caſes. Now, we have taken care never to require that ſpecific conſent, though we have made it eſſential. The writings of the doctors of our ſchool generally run as follows: * "The preſent National Aſſembly "of France is, ſtrictly ſpeaking, the per- "ſonal ſocial compact—the members of it "are the delegates of the nation in its "original character; future Aſſemblies "will be the delegates of the nation in "its organized character. The authority "of the preſent Aſſembly is different to "what future Aſſemblies will be. The "authority of the preſent one is to *form* a "conſtitution; the authority of future "ones will be to legiſlate according to "the principles and forms preſcribed in "that conſtitution."

Now, my dear friend, how eaſy will it be for us to ſubvert ſuch a conſtitution

* Page 55.

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whenever we pleaſe. We have no more to do than to remind people of facts which no man can deny. For who is ignorant that the preſent Aſſembly is a repreſentative of the people, and a very imperfect one in its *organized* and *not* in its *original* character. It is a repreſentation, the manner of which was fixed on by the king, according to an organization choſen by himſelf, with ſome reference to the old manner of calling the States, but not ſtrictly adhering even to precedent. He called together three eſtates; the number of the third he doubled, and he called on them as *Etats* under the conſtitution of our anceſtors, and not as repreſentatives of the nation in its original capacity. When aſſembled, they changed their nature, or pretended to do by *their own* authority, that is, by no authority veſted in them, by either king or nation for that purpoſe. Thus we have deſtroyed all

idea

idea of a government founded on any old conſtitution, without eſtabliſhing any government founded on the ſocial compact; and we have had the farther precaution to lay down principles which exempt every man, even from the ſocial compact itſelf, unleſs he ſhall pleaſe to ſubſcribe to it: we have done more; for leſt young men ſhould indiſcreetly pledge themſelves to either the conſtitution or the ſocial compact, we have fixed on no time of life, and no form or manner by which they are hereafter to make their free option, and to declare whether they will or will not be bound like others of the nation. Thus, every man who does not take the civic oath is free to oppoſe the new conſtitution on principle, and every man who is induced to take it by fear of loſs or penalty, may ſay it was an oath impoſed by a government to which I did not give my free conſent.—Here is an

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admirable latitude! I think, my friend, that I need ſay no more to convince you, that all government is incompatible with our principles. Beſides, this right of chooſing for one's ſelf, a right beginning at no defined age, had an admirable tendency to unſettle the human mind, and to create as many deſires for different forms of governments as there are men in the nation. All which, a reverence for the inſtitutions of our anceſtors would have been likely to prevent; and you need not fear but that men of ſtrong hands and of no property, will be ready to riſe againſt the government of the day, though they may not be ready to unite in forming another. Yes, yes, my friend, a man of talents, who has learned the art of governing the multitude, can ſum all this to greater advantage, than the receiving eighteen livres a day as a member of the National Aſſembly. In the mean time,

time, as I ſee you are a man of honour, I have a propoſal to make to you.—That ſame prieſt is entruſted with carrying up a large ſum of money, the produce of certain taxes raiſed in our diſtrict. You ſee clearly that the Aſſembly has no right to lay, or to continue thoſe impoſts. As for me, it would be indelicate to interfere againſt their decrees, being myſelf a member. But you, friend, eh! what think you? Would it be right to take poſſeſſion of that ſum or not? You know, that if you did, being your own, you might give the half for my good advice—for as to reſtoring it to the people, it would indeed be what I ſhould like, but it would be impoſſible: it would raiſe ſuſpicions, and you would be hanged by a law to which you did not concur, either perſonally or by your repreſentatives. But, perhaps, you may have ſcruples: perhaps you think that a man you did not vote for

is your repreſentative; if ſo, pray do not think of it. We ſhould be delicate, for the ſum is a very large one. One may ſometimes commit miſtakes in thoſe perpetual appeals which a philoſophical mind makes to itſelf againſt the inſtitutions of the land. You ſhould be very guarded. What do you think of it? My dear Sir, ſaid I, no man is more cautious than I am of infringing the Rights of Man. I own I once was guilty of a little error, which has made me very guarded ever ſince. In the church of St. Nicholas there was a ſilver candleſtick—as I always looked upon liberty of conſcience as one of the Rights of Man, and was perfectly ſatisfied that to rob St. Nicholas was, in fact, to rob no body at all; I concealed myſelf in the church with a deſign of converting this candleſtick to ſome purpoſe more uſeful to mankind.—In the night, a beautiful lady came to weep over the corpſe of a young

young man whom ſhe was to have married: the opportunity — the place was very tempting to a man above vulgar prejudices. I argued with myſelf, that a church, conſecrated to a pretended ſaint, was no more ſacred than any other place; and, I own, I overlooked another argument in my hurry, namely, that I had no right to offer to the lady any perſonal rudeneſs. But her reſemblance to a beloved ſiſter, for whom I had an ardent and a mutual paſſion, for á moment overcame my reaſon. This has taught me to be cautious.—Aye, my friend, ſaid the attorney, you was certainly wrong, as to offering violence to the lady; but as to the candleſtick, the church, and the intrigue with your ſiſter, you argued very juſtly; for, as our National Aſſembly ſays, "What "is not prohibited by *law* ſhould not be "hindered;" and afterwards, "all citi- "zens have a right to concur, either per-

" ſonally, or by their repreſentatives in " its formation." Thus, as you had never concurred, either perſonally, or by your repreſentatives, in any law in favour of ſilver candleſticks, or of churches dedicated to St. Nicholas, or of making love to your ſiſter, none of theſe actions ought to be hindered. But really, as to the lady, I think you infringed a natural right, and muſt ſay, that you was wrong; but the noble candour with which you admit the error, is a full atonement. We are all liable to theſe little miſapprehenſions; a people accuſtomed to obey the laws of their country, and ſuddenly throwing off that reſtraint, in order to obey the light of reaſon only, may for ſome years be liable to commit miſtakes. But a good man, in a good cauſe, ſhould not be diſheartened by theſe little events. We are all ſubject to error; and to comfort you, I muſt obſerve, that ſeveral other good people have

fallen

fallen into miſtakes as well as you.—Perhaps thoſe patriots who hanged Foulon and Berthier, who beheaded the king's life-guard, who deſtroyed ſome of the chateaux in our neighbourhood, who put to death ſome bakers, may not have had any preciſe right to do theſe acts—yet you ſee how good writers juſtify them.* In ſhort, my friend, people engaged in a great cauſe are not to ſtop at ſmall matters. A certain confuſion of the intellect naturally attends the ardour of our great purſuits, whoſe ultimate end is the good of mankind; therefore, do not let the little circumſtance you mention diſcompoſe a philoſophic mind.—What ſay you as to the Abbé? Have you any objection? I confeſs, ſaid I, that I ſhall think myſelf ſafe under the guidance of ſo good a reaſoner. I have no objection to taking the

* Page 34.

money,

money, and think it would be indelicate in you to interfere in that part of the buſineſs, as you were one of thoſe under whoſe authority it was raiſed.—But there is another department which remains for you. You know it would not be ſafe for me to take the purſe, if he were left alive to tell the ſtory. As to his life, you can have no ſcruple to rid your country of an uſurper—it is as juſt to kill him, as to kill a king, a miniſter, or any one perſon who aſſumes an authority contrary to the Rights of Man. What ſay you? if you will do what is neceſſary to prevent his proſecuting, I will take the purſe with all my heart. Why, ſaid he, according to the Rights of Man, I might be juſtified, but I have another objection: I entered into an agreement to travel with him, and ſo I think I am bound by a perſonal compact, which muſt laſt the whole journey, to make no attempt upon his life: but as

to your doing it, there ſeems to be no objection. After weighing the matter, I had no farther delicacy upon that head, but agreed to do it.

I purſued the Abbé as faſt as my horſe could carry me, fully determined to recover the money which had been levied in a manner ſo repugnant to the Rights of Man. A wood where I hoped to overtake him, promiſed to be a favourable place for my purpoſe. I aſſure you, gentlemen, that as I galloped, I reaſoned, and ſaw no cauſe to change my opinion. But ſcarcely had I entered the wood when I ſaw a portmanteau lying on the ground, which I knew to be that of the Abbé: I alighted, and found it to be very heavy; it contained what I was ſeeking for.—I looked back, and the Attorney was not in ſight. There, ſaid I, is a windfall, which

is not within the ſpirit or letter of our agreement. Why ſhould I ſhare this with the Attorney? I found the portmanteau fitted my ſaddle very well; I turned down a bye-road, and reached a village, where there was a very good inn. Notwithſtanding the richneſs of my dreſs, my having a portmanteau behind me created no ſpeculation; for in the preſent ſtate of France, nothing is more common than for great men to ride before their own portmanteaus.

In the courſe of my journey, I happened to be at Nancy, at the time of the memorable tumult, which was quelled at the expence of ſo much blood. I took that ſide, which, on fair reaſoning, was the more agreeable to the Rights of Man.—But diſcipline prevailed againſt public ſpirit, and the National Aſſembly was pleaſed

pleaſed to approve the conduct of thoſe who quelled the inſurrection.—This diſguſted me with France, and I determined to quit it, and not to return until it ſhall have a legiſlature that will act upon the principles they profeſs. I paſſed through England, but I found the minds of men in a ſtate of torpor. If an Engliſhman finds that he can do as he pleaſes with his perſon and property, provided he injures no one elſe, that his acquiſitions are perfectly ſecure, himſelf protected, and the laws of his country not infringed by thoſe in power, he calls it liberty, and is ſatisfied to leave things as they are. He loves that ſtrange thing called the Engliſh conſtitution, though he was not conſulted in the making of it. They even love an hereditary monarchy, without reflecting that it is not ſeven hundred years ſince their kings deſcended from William the Con-

queror. England was no place for me. I heard, gentlemen, of your fame; I wiſhed to be enrolled amongſt you. Ireland is a country where there are many men of ſtrong hands, and of little property. Theſe are admirable materials, and you, gentlemen, ſeem to me to be great artiſts—but do not deſpiſe foreign aſſiſtance. I can become as truly an Iriſhman as ever I was a Frenchman. In fact, the doctrines concerning the Rights of Man, the claim of being exempted from any ſocial contract, as well as from any particular conſtitution to which we have not ſpecifically conſented, as it leaves us free to chooſe any other country, and to reject our own, has a marvellous tendency to divorce the mind from the place of our birth. I will be bold to ſay, that poſſeſſed of theſe principles, the vicious Alcibiades, and the half principled Themiſtocles, would

not

not have felt thoſe returning weakneſſes for their country, which preſerved the Athenians, and that the virtuous Phocion would not, at his death, have forgiven his countrymen. Gentlemen, I am above theſe prejudices, I am capable of becoming thoroughly an Iriſhman—permit me to add, an uſeful auxiliary. Though I deſpiſe your conſtitution, and wiſh to overturn it, I can make uſe of the word *unconſtitutional* as well as another. I can aſſert the legal rights of a corporation, though I know there is no true right, either in a corporation, or in the law which made it. I can declaim on the rights derived from our anceſtors, though I know that no one is bound by any thing done by his anceſtors. To deſtroy prejudices, we muſt know how to take advantage of them. Without denying to you a competent ſhare of this neceſſary management, I hope you will not

deſpiſe

deſpiſe the practiſed ſkill, and the congenial principles of,

Gentlemen,

Your humble Servant,

JAQUES BOURREAU.

FINIS.